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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,940

Applicant(s)

LINDQUIST ET AL.

Examiner

Venkatesh Haliyur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 13-15, 18-23 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 11, 12, 16, 17 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. Applicant filed terminal disclaimer on 07/31/2006 for double patenting over U.S. Patent No. 6,914,911.
2. The amendments filed on 3/3/2006 and on 7/31/2006 have been considered but is ineffective to overcome La Porta et al. [US Pat: 5,509,010] and newly found reference Allen Jr. et al. [US Pat: 6,765,903]. Rejection follows.
3. Claims 1-24 are pending in the application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1,6-8,13,18,21 are rejected under 35 U.S.C. 102(b) as being anticipated by La Porta et al [US Pat: 5,509,010].

Regarding claims 1, La Porta et al. in their invention of "Communications Signaling Protocols" disclosed an interworking node (**interworking process, item 702 of Fig 7**) operatively connectable to a plurality of call control nodes (**call control, item 710 of Fig 7**) each including switching intelligence (**switch control processor complex, item 709 of Fig 7**) and narrow band switching fabric (**narrowband circuit switch, N-ISDN, item 706 of Fig 7**) and a plurality of connection control nodes (**connection control, item 711 of Fig 7**) each including broadband switching fabric (**broadband ATM switch, B-ISDN, item 705 of Fig 7**) and each being capable of processing a communication using one of a plurality of formats, said interworking node (**Switch 700, Fig 7,col 8,lines 56-67, col 9, lines 1-22**) comprising: means for interworking between said plurality of call control nodes (**call servers, item 102 of Fig 1**) and said plurality of connection control nodes (**connection servers, item 104 of Fig 1**); and a database communicably coupled (**User/Services databases, items 116,117 of Fig 1**) to said means for interworking for linking a particular one of said plurality of connection control nodes with a corresponding one of said plurality of formats (**suite of protocols, col 2, lines 26-57**) wherein a call control instruction (**call services**) transmitted by said particular one of said call control nodes and forwarded by said interworking node to one of said connection control nodes is used for controlling call connection over said broadband switching fabric within said one connection control node (**connection servers**) and

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wherein said call control instruction is translated (**protocol converters**) by said interworking node into said one of said plurality of formats compatible with said one connection control node (**col 3, lines 31-40**) [**Figs 1-3,7, col 2, lines 26-57, col 3, lines 10-67, cols 4-6, lines 1-67**].

Regarding claim 6,13, La Porta et al disclosed a system (**Fig 7**) for combining narrowband (**circuit switch, item 706 of Fig 7**) and broadband (**ATM switch, item 705 of Fig 7**) transport mechanisms in a communications network, comprising: a call control node (**call control, item 710 of Fig 7**) including switching intelligence (**switch control processor complex, item 709 of Fig 7**) and narrowband switching fabric (**narrowband circuit switch, N-ISDN, item 706 of Fig 7**); a plurality of connection control nodes each including broadband switching fabric (**connection control, item 711 of Fig 7**) and each being capable of processing a communication using one of a plurality of formats and relying on said switching intelligence within said call control node for providing call connection control over said broadband switching fabric (**Switch 700, Fig 7,col 8,lines 56-67, col 9, lines 1-22**); and an intermediate node (**switching offices, S0 of Fig 1**) operatively connectable to said call control node (**call servers, item 102 of Fig 1**) and said plurality of connection control nodes (**connection servers, item 104 of Fig 1**), said intermediate node (**switching office**) being adapted to interwork between said call control node and said plurality of connection control nodes (**col 3, lines 10-62**), said intermediate node further including a database (**user/services databases, items 116-117 of Fig 1**) for linking a particular one of said plurality of connection control nodes with a corresponding one of said

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plurality of formats and wherein said intermediate node translates messages associated with said call connection control issued by said call control node into said format compatible with a corresponding one of said plurality of connection control nodes (**protocol converters and multimedia bridges**) [Figs 1-3,7, col 2, lines 26-57, col 3, lines 10-67, cols 4-6, lines 1-67].

Regarding claims 7-8, La Porta et al. disclosed that the plurality of connection control nodes comprise at least part of a broadband network (**broad band servers, item 304 of Fig 3**) and plurality of connection control nodes comprise media gateways (**routing, item 324 of Fig 3**), and said intermediate node comprises mediation logic (**305 of Fig 3**) [Figs 1-3, col 5, lines 11-67, col 6, lines 1-52].

Regarding claims 18,21 La Porta et al disclosed a method for processing a communication associated with a particular one (**item 105 of Fig 1**) of a plurality of connection control nodes (**item 104 of Fig 1**) at an intermediate node (**S0 of Fig 1**) in a communications network combining narrowband (**circuit switch, item 706 of Fig 7**) and broadband (**ATM switch, item 705 of Fig 7**) transport mechanisms (**Fig 7**), said communications network further comprising a call control node (**item 710 of Fig 7**) including switching intelligence (**switch control processor**) and narrowband switching fabric (**N-ISDN, circuit switch**), each of said connection control nodes including broadband switching fabric (**B-ISDN, ATM switch**), said intermediate node (**item 704 of Fig 7, S0 of Fig 1**) interworking between said call control node and said plurality of connection control nodes, said method comprising the steps of: receiving a communication message (**at item 206 of Fig 1 via message N**) from said

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particular connection control node (**item 204 of Fig 2**) at said intermediate node (**item 206 of Fig**) wherein said communication message provides certain call control instructions (**item 205 of Fig 2**) to said broadband switching fabric within a particular one of said connection control nodes; ascertaining a corresponding format (**call-connection mapping**) used by said particular connection control node in processing said communication message, said corresponding format being one of a plurality of formats usable by said plurality of connection control nodes (**col 4, lines 14-45**); and translating said communication message responsive to said ascertained corresponding format (**protocol converters, col 3, lines 31-40**) [**Figs 1-3,7, col 2, lines 26-57, col 3, lines 10-67, cols 4-8, lines 1-67, col 9, lines 1-22**].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3,9-10,14-15,19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta et al. [US Pat: 5,509,010] in view of Allen Jr. et al. [US Pat: 6,765,903].

Regarding claim 2-3,9-10,14-15, La Porta et al. disclosed processing of audio,

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data, video and text formats in gateway servers performing translation and mediation functions in accordance with plurality of formats [**column 3, lines 41-54, column 5, lines 11-67**], but fails to disclose that the plurality of formats comprises H.248 standard.

However, Allen Jr. et al disclosed in their invention of "ATM Based Distributed Network Switching System" a method and systems for supporting a plurality of formats for interworking functions including H.248 standard in interworking gateway (**items 28 and 30 of Fig 4**) [**Figs 5-7,col 13, lines 15- 62,col 18,lines 25-67, col 19, lines 1-50**].

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include an interworking function in the interworking gateway performing translation and mediation functions in accordance with plurality of formats including H.248 standard as taught by Allen et al. to modify the system of La Porta et al. to translate H.248 protocol standards. One is motivated as such in order to use an interworking gateway that supports translation and mediation functions in accordance with plurality of formats for processing of audio, video and text data efficiently for interworking functions [**Allen Jr. et al., col 13, lines 15- 62**].

Allowable Subject Matter

8. Claims 4-5,11-12,16-17,24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments see Remarks, filed on 3/3/2006 and 7/31/2006 with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616.

The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

WH 10/24/06

Ricky
RICKY Q. NGO
SUPERVISORY PATENT EXAMINER